

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRANSCIENCE , et al.,

Plaintiffs,

- against -

BIG TIME TOYS, LLC,

Defendant.

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ORDER

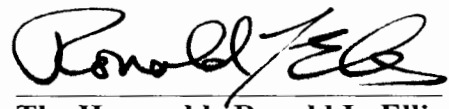
13-CV-6642 (ER)(RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Plaintiffs Transcience and Yolanda Von Braunhut commenced this action on September 19, 2013. (Doc. No. 1) The Honorable Edgardo Ramos referred the case to the undersigned for settlement on February 27, 2015. (Doc. No. 51), and for two discovery disputes on May 18, 2015, and June 1, 2015. (Doc. No. 65) During a telephone conference held on June 2, 2015, the Court informed the Parties, *inter alia*, that the Sea-Monkeys formula would not be discoverable unless Plaintiffs formally alleged in the Complaint that Big Time Toys had misappropriated Plaintiffs' trade secret in their attempts to produce similar pouches. In response to Big Time Toys' assertion that Plaintiffs' position on the "misappropriation" issue was unclear, the Court directed Plaintiffs to submit a letter clarifying their claims and directed Big Time Toys to respond. The Court has reviewed the Parties' submissions and has determined that the Sea-Monkeys formula is not relevant to any of the claims or defenses in this action.

IT IS THEREFORE ORDERED that the Sea-Monkeys trade secret is not “at issue” in this action and is not a proper area of inquiry for discovery. To the extent that Defendant Big Time Toys’ outstanding discovery requests are designed to inquire into Plaintiffs’ trade secret, Defendant’s motion to compel discovery from Plaintiffs is **DENIED**.

SO ORDERED this 16th day of June 2015.
New York, New York


The Honorable Ronald L. Ellis
United States Magistrate Judge